

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
01/10/2002

01/07/2002

CLERK OF THE COURT
FORM R109B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 1998-006161

FILED: _____

STATE OF ARIZONA

HERBERT W KALISH

v.

MARY MARGARET RACINE
DOB: 12/05/1971

GARY L ROHLWING

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
MCSO-DIS
PRETRIAL SERVICES AGENCY-CCC
VICTIM WITNESS DIV-CA-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:08 a.m. State is represented by Kristy Hunt for Herbert W. Kalish. Defendant is present and represented by Gary L. Rohlwing.

Court Reporter, Lorraine Chalkey, is present.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

THE COURT FINDS that reasonable efforts have been made to give the victim notice of the plea proceeding and an opportunity to be heard.

Pursuant to A.R.S. Section 13-607,

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THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of GUILTY.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: Amended Count 2: Attempted Theft, a class 6 undesignated, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-1001, 1801, 1802, 701, 702, 702.01, 707, 801, 802 committed on September 5, 1997.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation as to Count(s) 2 for a period of 3 years commencing January 7, 2002 under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

Conditions of probation include the following:

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IT IS ORDERED that probation in this cause shall run concurrent with probation in CR2001-014542 and CR1998-000599.

THE COURT FURTHER FINDS that the terms of probation should include incarceration in the Maricopa County Jail as a term and condition of probation.

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail for a **deferred** period of 2 months commencing March 1, 2003 and not be released until April 30, 2003.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on March 1, 2002 and due on the same day of each month thereafter during the term of probation.

IT IS ORDERED granting the Motion To Dismiss Counts 1 and 3.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Court advises Defendant of the rights of review and provides written notice of those rights.

IT IS ORDERED that the Defendant shall self-surrender to the custody of the Sheriff of Maricopa County on March 1, 2003 to carry out the terms and conditions of probation.

ISSUED: Order of Confinement.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

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The presentence investigation report is filed under CR1998-000599.

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LATER:

IT IS ORDERED Nunc Pro Tunc reflecting that the Court
accepts the Plea Agreement prior to Sentencing.

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Defendant's thumbprint is permanently affixed to this
sentencing order in open court.

9:20 a.m. Matter concludes.

/s/ HONORABLE ROBERT L. GOTTSFIELD
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)